

1 of this article, and the debtor shall be entitled to his discharge from all debts and contracts made before the filing of the petition in this section mentioned, and in the same manner and to the same extent and with the same exception, as though he had made application, as provided in section 1 of this article.

**Petition, replication and issues.**

Requisites of the statement of facts in the petition. *Whyte v. Betts Machine Co.*, 61 Md. 177; *Schiff v. Solomon*, 57 Md. 584.

For allegations which, if proved, render the debtor liable to be proceeded against under this section, see *Cator v. Martin*, 57 Md. 400.

How petition by non-resident corporation should be authenticated both when filed and before adjudication; proof of corporate existence need not be filed with petition though it ought to be produced before adjudication. *Whyte v. Betts Machine Co.*, 61 Md. 177.

The petition may be filed by a non-resident. *Brown v. Smart*, 69 Md. 328 (affirmed in 145 U. S. 457).

A replication is not contemplated in insolvency proceedings. How issues should be framed; duty of the court. *Castelberg v. Wheeler*, 68 Md. 273.

**Operation of insolvent law.**

The enactment of a bankruptcy law suspends a state insolvency law only so far as the two conflict. The latter continues in force as to any class of persons exempted by former. It is the exercise of the power of establishing a bankrupt law and not the existence of such power, which renders the state law inoperative. It is policy of this section to make farmers subject to its provisions. *Old Town Bank v. McCormick*, 96 Md. 349.

Fact that grantee or party to whom money is paid has no knowledge that grantor is insolvent, does not take the case out of operation of this section. Prayers correctly setting forth facts requisite to bring a case under this section. *Willison v. Frostburg Bank*, 80 Md. 212.

Corporations are not amenable to our insolvent system, though by art. 23, sec. 377, of the Code of 1904—see sec. 94 of this Code—they are brought within the operation of a provision of that system. *Mowen v. Nitsch*, 103 Md. 687.

This section and sec. 2 compared as to the persons to whom they are applicable, and as to the necessity for a deed from the debtor to the preliminary trustee. *Clark v. Manko*, 80 Md. 82.

**Jurisdiction.**

Insolvency jurisdiction is limited, and the procedure must be pursued in the manner prescribed; where debtor is not summoned, court is without jurisdiction. *Whyte v. Betts Machine Co.*, 61 Md. 177; *Paul v. Locust Point Co.*, 70 Md. 292.

If a case is within jurisdiction of insolvent court, the latter's judgment cannot be impeached collaterally in absence of fraud. The jurisdiction of insolvent court does not depend upon petitioner being actually insolvent. *State v. Culler*, 18 Md. 432. And see *Weaver v. Leiman*, 52 Md. 714.

**Generally.**

The adjudication is *in rem*, and binds all persons, whether parties or not, as to the particular matter decided. *Brown v. Smart*, 69 Md. 328 (affirmed in 145 U. S. 457).

The right to issue an injunction is limited to time and purpose specified in this section. No controversy as to ownership of property or claim to it can be disposed of in insolvent court, but they are remitted to other courts where a jury trial may be had. *Paul v. Locust Point Co.*, 70 Md. 293.

Insolvency proceedings from petition to the last order may be amended in discretion of court. An amended petition held not to be an original proceeding, and hence that proceeding was begun within requisite period after acts complained of. *Griffie v. Mann*, 62 Md. 254.

It is not necessary that the debts of the petitioning creditors shall have matured before the petition is filed. *Schiff v. Solomon*, 57 Md. 583.

A creditor who claims a fund arising from sale of property of insolvents, will not be allowed to impeach the adjudication. *Gottschalk v. Smith*, 74 Md. 564.